IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 7125 of 2005(W)

---

PETITIONER:

---

1. JIJI PHILIP, MUTTATHUPADAM,
   VILLOONNI POST, KOTTAYAM.

2. JIMMY PHILIP, DO. DO. DO.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

---

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
   THIRUVANANTHAPURAM.

2. THE SECRETARY, THE KOTTAYAM
   CO-OPERATIVE AGRICULTURAL AND RURAL
   DEVELOPMENT BANK LTD., NO.K.48, POST BOX NO,.198,
   KOTTAYAM.

3. THE SPECIAL SALE OFFICER, THE KOTTAYAM
   CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT
   BANK LTD. NO.K 48, POST BOX NO. 198, KOTTAYAM.

4. CHACKO PHILIP, MUTTATHUPADAM,
   VILLOONNI POST, KOTTAYAM.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR
GOVERNMENT PLEADER, SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

**PETITIONER'S EXTS:-**

| | |
|---|---|
| EXT.P1 | TRUE COPY OF THE PASS BOOK |
| EXT.P2 | TRUE COPY OF THE PASS BOOK |
| EXT.P3 | TRUE COPY OF THE NOTICE DATED 9/12/2004 ISSUED BY THE 3RD RESPONDENT. |
| EXT.P4 | TRUE COPY OF THE NOTICE DATED 9/12/2004 ISSUED BY THE 3RD RESPONDENT |
| EXT P5 | TRUE COPY OF THE NEWS ITEM DATED 10/3/2004 IN THE NEWSPAPER MALAYALA MANORAMA, KOLLAM EDITION |
| EXT P6 | TRUE COPY OF THE NEWS ITEM DATED 11/3/2004 IN THE NEWSPAPER MALAYALA MANORAMA, KOLLAM EDITION |
| EXT P7 | TRUE COPY OF THE NEWS ITEM DATED 12/3/2004 IN THE NEWSPAPER MALAYALA MANORAMA, KOLLAM EDITION |

**RESPONDENT'S EXTS:-**

| | |
|---|---|
| EXT.R2(a) | TRUE COPY OF THE LETTER BY THE BANK DATED 8/3/2005. |

\\TRUE COPY //

P.A TO JUDGE

**J.M.JAMES, J.**

- - - - - - - - - - - - - - - - - - - - -

W.P.(C) No. 7125 of 2005 (W)

- - - - - - - - - - - - - - - - - - - - -

Dated this the 15th day of December, 2006

**J U D G M E N T**

The prayer of the writ petitioners is to quash Exhibits P3 and P4, sale notices, issued by the third respondent. As per an order of this Court, dated 02/03/2005, the writ petitioners were directed to approach the second respondent bank and file an application for an one time settlement. The learned counsel for the second respondent submits that no such representation has been filed by the writ petitioners. From the counter affidavit filed by the second respondent, the counsel has brought to my notice about an intimation issued stating that, towards the 10% of the total amount, the writ petitioners have remitted Rs.9,000/- through a demand draft and, therefore, the second respondent has issued a notice to remit the balance amount of Rs.1,974/- before 31/03/2005 and further to remit the balance amount in equal instalments. The counsel submits that the same has not been done.

2. In the above circumstances, I direct the writ petitioners to approach the second respondent bank, within one

week from today and file an application requesting for one time settlement under the scheme. The second respondent shall hear the writ petitioners, consider the amount due and pass appropriate orders, on merit, as per the one time settlement scheme. This shall be one within three weeks from the date of receipt of the representation. Till such an order is passed, there shall be no coercive steps against the writ petitioners.

3. If there is any failure on the part of the writ petitioners to comply with the directions contained in this judgment, the second respondent shall be at liberty to proceed against them, according to the law.

The writ petition is closed as above.

**(J.M.JAMES)**
Judge

ms